

**REMARKS**

**Summary of the Office Action**

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,718,148 to *Kobayashi et al.* (“*Kobayashi*”).

Claim 4 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 6-8 and 10-12 stand allowed.

**Summary of the Response to the Office Action**

Applicant has cancelled claim 1 without prejudice or disclaimer. Claims 2 and 4 have been amended. Accordingly, claims 2, 4, 6, 7, 8, and 10-12 are pending.

**All Subject Matter Complies with 35 U.S.C. § 102(e)**

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,718,148 to *Kobayashi et al.* (“*Kobayashi*”). Applicant respectfully submits that the rejection to claims 1 and 2 are moot in light of the cancellation of claim 1, and the amendment of claim 2 to depend from newly amended independent claim 4.

**The Objection to Claim 4**

Claim 4 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 4 has been rewritten in independent form and as such is in form for allowance. Applicant respectfully requests that independent claim 4 be passed on to allowance.

Accordingly, Applicant respectfully submits that pending claims 2, 4, 6, 7, 8, and 10-12 are allowable and in condition for allowance.

**CONCLUSION**


In view of the foregoing, Applicant respectfully requests entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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